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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,987	04/27/2001	Thomas Ohlsson	P01,0100	1545

26574 7590 12/16/2002

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EXAMINER

OROPEZA, FRANCES P

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 12/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/843,987

Applicant(s)

OHLSSON, THOMAS

Examiner

Frances P. Oropeza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2001 and 24 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 and 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Preliminary Amendment filed 6/24/01***

1. The Applicant submitted a clean version of the claims as originally filed.

Claims 1-15 are pending in this application. Of these claims, claims 1 and 10 are independent.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, "said electrophysiology examination set-up protocol" lacks antecedent basis. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8-10 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Swenson et al. (US5776057). Swenson et al. disclose the claimed invention (figure 1; c 2, l 40- c 3, l 13; c 3, ll 28-51; c 4, ll 33-64; c 6, l 34 – c 7, l 30; c 7, ll 41-47 and 56-62; c 9, ll 46-57).

As related to claims 4-9 and 11-12, the selection of a protocol is related to use of a corresponding conduit set that is attached to the patient in a pre-established manner as shown on the display. It is inherent the conduit set is identified or labeled to ensure the proper conduit set is attached to the patient. (c 6, l 62 – c 7, l 22)

As related to claims 2-15, the system has been defined in a functional manner. The grouping of the functional elements into one or multiple individual unit(s) is disclosed to enable multiple arrangements of components, hence meeting the requirements of different applications (e.g. the combining of the universal interface with the signal generator and a display screen). ( c 10, ll 1-24)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint Inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. The Applicant is advised of the obligation under 37 CFR 1.56 to point out the Inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 4, 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swenson et al. (US 576057) in view of Fine et al. (US 5640967). As discussed in paragraph 3 of this action, Swenson et al. disclose the claimed invention except for the label removably placeable and permanently fixed on the outer surface of the interface unit.

Fine et al. disclose a monitoring system for use with an electrophysiology study and teach that it is known to place a permanently fixed removably placeable label, read as positioned and removed by programming, next to a connector on the outer surface of the interface unit to identify the connector/connection (figure 3; c 7, ll 44-65). It is understood the electronic label could be a placard, since it has been held to make labeling automatic or electronic is not novel. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the instrument for performing medical diagnostic testing as taught by Swenson et al., with the removably placeable label as taught by Fine et al. to clarify the connector/connection between the sensor and the monitoring system to enable a successful signal acquisition and processing process (c 4, ll 56-60).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swenson et al. (US 5776057) in view of Fine et al. (US 5640967) and further in view of Fenzlein et al. (US 5425361). As discussed in paragraphs 3 and 5 of this action, modified Swenson et al. disclose the claimed invention except for an element placable on the outer surface of the interface unit containing machine-readable information and a means for reading the machine-readable information from the element.

Fenzlein et al. disclose a medical measuring apparatus and teaches that it is known to use a bar code reader (12) and bar codes to ensure a sensor is properly identified relative to the

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monitoring process (figure 1; c 5, ll 36-50). It is obvious the bar code could be mounted on the interface unit and/or the sensor to serve the purpose of properly identifying the components and the intended connection arrangement. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the modified instrument for performing medical diagnostic testing as taught by modified Swenson et al., with the bar code reader and bar code identification as taught by Fenzlein et al. to provide an additional or alternate means to ensure the sensor is properly identified relative to the monitoring process to enable a successful signal acquisition and processing process (c 1, ll 30-33 and c 2, ll 1-8).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fran Oropeza, telephone number is (703) 605-4355. The Examiner can normally be reached on Monday – Thursday from 6 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Angela D. Sykes can be reached on (703) 308-5181. The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4520 for regular communication and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist, telephone number is (703) 308-0858.

Frances P. Oropeza  
Patent Examiner  
Art Unit 3762

12/11/02

  
JEFFREY R. JASTRZAB  
PRIMARY EXAMINER

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12/11/02